

Message

From: Aunkst, Dana [aunkst.dana@epa.gov]
Sent: 1/20/2021 3:13:23 PM
To: Esher, Diana [Esher.Diana@epa.gov]
Subject: RE: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Deliberative/ Ex. 5 Discussion re: Inquiry about Maryland WIP

Dana Aunkst, Director
Chesapeake Bay Program Office
410 Severn Avenue, Suite 112
Annapolis, MD 21403
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From: Esher, Diana <Esher.Diana@epa.gov>
Sent: Wednesday, January 20, 2021 10:07 AM
To: Aunkst, Dana <aunkst.dana@epa.gov>
Subject: RE: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Deliberative/ Ex. 5 Discussion re: Inquiry about Maryland WIP

Diana Esher
Deputy Regional Administrator
US EPA Region 3
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From: Aunkst, Dana <aunkst.dana@epa.gov>
Sent: Wednesday, January 20, 2021 9:49 AM
To: Gable, Kelly <Gable.Kelly@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Heads up. Number 37 under EPA lists our evaluation of MD's Phase III WIP as an agency action

Deliberative/ Ex. 5 Discussion re: Inquiry about Maryland WIP

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From: Rachel Felver <rfelver@chesapeakebay.net>
Sent: Wednesday, January 20, 2021 9:39 AM
To: Aunkst, Dana <aunkst.dana@epa.gov>; Jenkins, Bill <jenkins.bill@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; McDonnell, Lee <McDonnell.Lee@epa.gov>; Power, Lucinda <power.lucinda@epa.gov>; Barranco, Gregory

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Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

FYI—I'm not sure personally, so wanted to see how you'd like me to respond (he's not media).

From: John Surrick - ext. 2045 <JSurrick@cbf.org>

Sent: Wednesday, January 20, 2021 8:27 AM

To: Rachel Felver <rfelver@chesapeakebay.net>

Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

See item 37 under EPA. Any thoughts about why MD was singled out, not PA?

John Surrick

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**CHESAPEAKE BAY
FOUNDATION**

Saving a National Treasure

From: Annie Snider <asnider@politico.com>

Sent: Wednesday, January 20, 2021 7:31 AM

To: John Surrick - ext. 2045 <JSurrick@cbf.org>; Lisa Caruso <LCaruso@cbf.org>

Subject: Fwd: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Any idea why a Biden is revising EPA's approval of Maryland's phase 3 WIP? And nothing re: PA, unless I'm missing it?

Sent from my iPhone

Begin forwarded message:

From: Biden Transition Press <press@bidentransition.org>

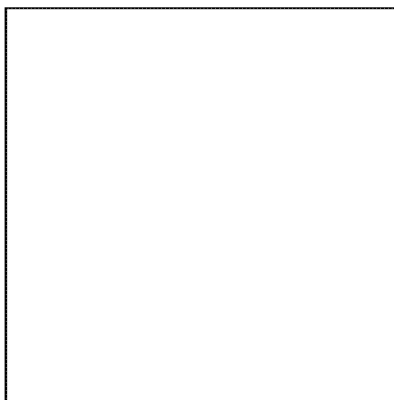
Date: January 20, 2021 at 5:01:37 AM EST

To: Annie Snider <asnider@politico.com>

Subject: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Reply-To: Biden Transition Press <press@bidentransition.org>

EXTERNAL SENDER: Use caution with links and attachments.



FOR IMMEDIATE RELEASE

January 20, 2021

**FACT SHEET:
LIST OF AGENCY ACTIONS FOR REVIEW**

*Actions Address the COVID-19 Pandemic, Provide Economic Relief, Tackle
Climate Change, and Advance Racial Equity*

This is a non-exclusive list of agency actions that heads of the relevant agencies will review in accordance with the Executive Order: "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." Additional agency actions also will be reviewed to determine consistency with Section 1 of the Executive Order.

*Note that actions published in the January 20 Federal Register will be added to this list
on January 20.*

COUNCIL ON ENVIRONMENTAL QUALITY

1. "Guidance Document Procedures," 86 Fed. Reg. 1279 (January 8, 2021).
2. "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act," 85 Fed. Reg. 43304 (July 16, 2020).

U.S. DEPARTMENT OF AGRICULTURE

1. "Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska," 85 Fed. Reg. 68688 (October 29, 2020).

U.S. DEPARTMENT OF COMMERCE

1. "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico," 86 Fed. Reg. 5322 (January 19, 2021).

2. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat," 85 Fed. Reg. 81411 (December 16, 2020).
3. National Oceanic and Atmospheric Administration, Biological Opinion on Long Term Operation of the Central Valley Project and the State Water Project (October 21, 2019).
4. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Species and Designating Critical Habitat," 84 Fed. Reg. 45020 (August 27, 2019).
5. "Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation," 84 Fed. Reg. 44976 (August 27, 2019).

U.S. DEPARTMENT OF DEFENSE

1. "Reissuance and Modification of Nationwide Permits," 86 Fed. Reg. 2744 (January 13, 2021).
2. "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).

U.S. DEPARTMENT OF ENERGY

1. "Energy Conservation Program: Energy Conservation Standards for Small Electric Motors," 86 Fed. Reg. 4885 (January 19, 2021).
 2. "Energy Conservation Program: Establishment of New Product Classes for Residential Clothes Washers and Consumer Clothes Dryers," 85 Fed. Reg. 81359 (December 16, 2020).
 3. "Test Procedure Interim Waiver Process," 85 Fed. Reg. 79802 (December 11, 2020).
 4. "Energy Conservation Program: Establishment of a New Product Class for Residential Dishwashers," 85 Fed. Reg. 68723 (October 30, 2020).
 5. "Energy Conservation Program for Appliance Standards: Procedures for Evaluating Statutory Factors for Use in New or Revised Energy Conservation Standards," 85 Fed. Reg. 50937 (August 19, 2020).
 6. "Energy Conservation Program for Appliance Standards: Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment," 85 Fed. Reg. 8626 (February 14, 2020).
 7. "Energy Conservation Program: Energy Conservation Standards," 85 Fed. Reg. 1378 (January 10, 2020).
 8. "Energy Conservation Program: Energy Conservation Standards for General Service Incandescent Lamps," 84 Fed. Reg. 71626 (December 27, 2019).
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9. "Final Determination Regarding Energy Efficiency Improvements in the 2018 International Energy Conservation Code (IECC)," 84 Fed. Reg. 67435 (December 10, 2019).
10. "Final Determination Regarding Energy Efficiency Improvements in ANSI/ASHRAE/IES Standard 90.1–2016: Energy Standard for Buildings, Except Low-Rise Residential Buildings," 83 Fed. Reg. 8463 (February 27, 2018).

U.S. ENVIRONMENTAL PROTECTION AGENCY

1. "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984," 86 Fed. Reg. 5013 (January 19, 2021).
 2. "National Primary Drinking Water Regulations: Lead and Copper Rule Revisions," 86 Fed. Reg. 4198 (January 15, 2021).
 3. "Pollutant-Specific Significant Contribution Finding for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, and Process for Determining Significance of Other New Source Performance Standards Source Categories," 86 Fed. Reg. 2542 (January 13, 2021).
 4. "Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures," 86 Fed. Reg. 2136 (January 11, 2021).
 5. "Review of Dust-Lead Post Abatement Clearance Levels," 86 Fed. Reg. 983 (January 7, 2021).
 6. "Hexachlorobutadiene (HCBd); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 922 (January 6, 2021).
 7. "Pentachlorothiophenol (PCTP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 911 (January 6, 2021).
 8. "Phenol, Isopropylated Phosphate (3:1) (PIP 3:1); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 894 (January 6, 2021).
 9. "Decabromodiphenyl Ether (DecaBDE); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 880 (January 6, 2021).
 10. "2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 866 (January 6, 2021).
 11. "Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information," 86 Fed. Reg. 469 (January 6, 2021).
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12. "Review of the Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 87256 (December 31, 2020).
13. "Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process," 85 Fed. Reg. 84130 (December 23, 2020).
14. "Review of the National Ambient Air Quality Standards for Particulate Matter," 85 Fed. Reg. 82684 (December 18, 2020).
15. "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act," 85 Fed. Reg. 73854 (November 19, 2020).
16. "Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments," 85 Fed. Reg. 72506 (November 12, 2020).
17. "NPDES Electronic Reporting Rule—Phase 2 Extension," 85 Fed. Reg. 69189 (November 2, 2020).
18. "Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements," 85 Fed. Reg. 68760 (October 30, 2020).
19. "EPA Guidance; Administrative Procedures for Issuance and Public Petitions," 85 Fed. Reg. 66230 (October 19, 2020).
20. "Steam Electric Reconsideration Rule," 85 Fed. Reg. 64650 (October 13, 2020).
21. U.S. Environmental Protection Agency, Memorandum Regarding Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans (October 9, 2020).
22. "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration," 85 Fed. Reg. 57398 (September 15, 2020).
23. "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," 85 Fed. Reg. 57018 (September 14, 2020).
24. "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadline To Initiate Closure," 85 Fed. Reg. 53516 (August 28, 2020).
25. "Streamlining Procedures for Permit Appeals," 85 Fed. Reg. 51650 (August 21, 2020).
26. "Drinking Water: Final Action on Perchlorate," 85 Fed. Reg. 43990 (July 21, 2020).
27. "Clean Water Act Section 401 Certification Rule," 85 Fed. Reg. 42210 (July 13, 2020).
28. "Methylene Chloride (MC); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability," 85 Fed. Reg. 37942 (June 24, 2020).

29. "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review," 85 Fed. Reg. 31286 (May 22, 2020).
 30. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks," 85 Fed. Reg. 24174 (April 30, 2020).
 31. "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).
 32. "Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 19096 (April 6, 2020).
 33. "Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes," 85 Fed. Reg. 14150 (March 11, 2020).
 34. "On-Site Civil Inspection Procedures," 85 Fed. Reg. 12224 (March 2, 2020).
 35. "Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program," 85 Fed. Reg. 8411 (February 14, 2020).
 36. "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act," 84 Fed. Reg. 69834 (December 19, 2019).
 37. U.S. Environmental Protection Agency, Evaluation of Maryland's Phase III Watershed Implementation Plan (WIP) (December 19, 2019).
 38. "Findings of Failure To Submit a Clean Air Act Section 110 State Implementation Plan for Interstate Transport for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)," 84 Fed. Reg. 66612 (December 5, 2019).
 39. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program," 84 Fed. Reg. 51310 (September 27, 2019).
 40. "Adopting Requirements in Emission Guidelines for Municipal Solid Waste Landfills," 84 Fed. Reg. 44547 (August 26, 2019).
 41. "Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 84 Fed. Reg. 36728 (July 29, 2019).
 42. "Chlorpyrifos; Final Order Denying Objections to March 2017 Petition Denial Order," 84 Fed. Reg. 35555 (July 24, 2019).
 43. "Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint," 84 Fed. Reg. 32632 (July 9, 2019).
 44. "Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations," 84 Fed. Reg. 32520 (July 8, 2019).
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45. "Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA Section 6(a)," 84 Fed. Reg. 11420 (March 27, 2019).
46. "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One)," 83 Fed. Reg. 36435 (July 30, 2018).
47. "Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry," 83 Fed. Reg. 7556 (February 21, 2018).
48. "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act," 82 Fed. Reg. 33726 (July 20, 2017).

U.S. DEPARTMENT OF JUSTICE

1. "Prohibition on Settlement Payments to Non-Governmental Third Parties," 85 Fed. Reg. 81409 (December 16, 2020).

U.S. DEPARTMENT OF THE INTERIOR

1. "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl," 86 Fed. Reg. 4820 (January 15, 2021).
 2. U.S. Department of the Interior, [National Greater Sage-Grouse Land Use Planning Page](#) (NEPA No. DOI-BLM-WO-WO2100-2017-0003-RMP-EIS) (last updated January 11, 2021).
 3. "Regulations Governing Take of Migratory Birds," 86 Fed. Reg. 1134 (January 7, 2021).
 4. "Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat," 85 Fed. Reg. 82376 (December 18, 2020).
 5. "Forest Management Decision Protest Process and Timber Sale Administration," 85 Fed. Reg. 82359 (December 18, 2020).
 6. "Endangered and Threatened Wildlife and Plants; 12-Month Finding for the Monarch Butterfly," 85 Fed. Reg. 81813 (December 17, 2020).
 7. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat," 85 Fed. Reg. 81411 (December 16, 2020).
 8. "Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Bering Sea-Western Interior Planning Area, Alaska," 85 Fed. Reg. 78350 (December 4, 2020).
 9. "Endangered and Threatened Wildlife and Plants; Eleven Species Not Warranted for Listing as Endangered or Threatened Species," 85 Fed. Reg. 78029 (December 3, 2020).
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10. "Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife," 85 Fed. Reg. 69778 (November 3, 2020).
 11. "Notice of Availability of the Record of Decision for the Proposed Willow Master Development Plan Project, Alaska," 85 Fed. Reg. 69351 (November 2, 2020).
 12. "Procedures for Issuing Guidance Documents," 85 Fed. Reg. 67666 (October 26, 2020).
 13. "Alaska; Hunting and Trapping in National Preserves," 85 Fed. Reg. 35181 (June 9, 2020).
 14. U.S. Department of the Interior, M-37056: Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Indian Reservation (North Dakota) (May 26, 2020).
 15. "National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (516 DM 11)," 85 Fed. Reg. 25472 (May 1, 2020).
 16. U.S. Department of the Interior, M-37055: Withdrawal of Solicitor's Opinion M-37029, "The Meaning of 'Under Federal Jurisdiction' for Purposes of the Indian Reorganization Act" (March 9, 2020).
 17. U.S. Department of the Interior, Guidance Regarding Application of the Coastal Barrier Resources Act to Non-Structural Projects for Shoreline Stabilization (November 4, 2019).
 18. U.S. Fish and Wildlife Service, Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project (October 21, 2019).
 19. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Species and Designating Critical Habitat," 84 Fed. Reg. 45020 (August 27, 2019).
 20. "Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation," 84 Fed. Reg. 44976 (August 27, 2019).
 21. "Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control Revisions," 84 Fed. Reg. 21908 (May 15, 2019).
 22. "Notice of Availability of Record of Decision and Approved Resource Management Plan Amendment for Greater Sage-Grouse Conservation, Northwest Colorado," 84 Fed. Reg. 10327 (March 20, 2019).
 23. "Notice of Availability of Record of Decision and Approved Resource Management Plan Amendment for Greater Sage-Grouse Conservation, Idaho," 84 Fed. Reg. 10325 (March 20, 2019).
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24. "Notice of Availability of Record of Decision and Approved Resource Management Plan Amendment for Greater Sage-Grouse Conservation, Oregon," 84 Fed. Reg. 10324 (March 20, 2019).
25. "Notice of Availability of Record of Decision and Approved Resource Management Plan Amendment for Greater Sage-Grouse Conservation, Nevada and Northeastern California," 84 Fed. Reg. 10323 (March 20, 2019).
26. "Notice of Availability of Record of Decision and Approved Resource Management Plan Amendment for Greater Sage-Grouse Conservation, Wyoming," 84 Fed. Reg. 10322 (March 20, 2019).
27. "Waste Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision of Certain Requirements," 83 Fed. Reg. 49184 (September 28, 2018).
28. U.S. Department of the Interior, Instruction Memorandum No. 2018-034: Updating Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (January 31, 2018).
29. "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule," 82 Fed. Reg. 61924 (December 29, 2017).
30. U.S. Department of the Interior, M-37050: The Migratory Bird Treaty Act Does Not Prohibit Incidental Take (December 22, 2017).
31. U.S. Department of the Interior, Order No. 3348: Concerning the Federal Coal Moratorium (March 29, 2017).

U.S. DEPARTMENT OF LABOR

1. "Financial Factors in Selecting Plan Investments," 85 Fed. Reg. 72846 (November 13, 2020).

U.S. DEPARTMENT OF TRANSPORTATION

1. "Hazardous Materials: Liquefied Natural Gas by Rail," 85 Fed. Reg. 44994 (July 24, 2020).
2. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks," 85 Fed. Reg. 24174 (April 30, 2020).
3. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program," 84 Fed. Reg. 51310 (September 27, 2019).

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